

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL SKIBA, )  
Plaintiff, ) Civil Action No. 05 - 919  
v. ) Judge Thomas M. Hardiman /  
 ) Magistrate Judge Lisa Pupo Lenihan  
JOE SPANIK; CHARLIE CAMP; DAN )  
DONNATELLA; and WILLIAM SHOUPPE, )  
Defendants. )

## ORDER

The above captioned case was initiated on June 30, 2005 by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 21), filed on January 9, 2007, recommended that Plaintiff's Complaint (doc. no. 5) be dismissed due to Plaintiff's failure to have prosecuted his action. Plaintiff was served at the State Correctional Institution at Albion, Pennsylvania and was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 5<sup>th</sup> day of February, 2007;

**IT IS HEREBY ORDERED** that Plaintiff's Complaint (doc. no. 5) is **DISMISSED** due to Plaintiff's failure to have prosecuted this action.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 21) of Magistrate Judge Lenihan, dated January 9, 2007, is adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case as **CLOSED**.

By the Court:

  
\_\_\_\_\_  
Thomas M. Hardiman  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Michael Skiba  
GP-1158  
S.C.I. Albion  
10745 Route 18  
Albion, PA 16475 - 0001

All counsel of record.